



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.013

Searches

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Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s): 4-4192-Revised; 4-4193; 4-4194; 4-4282; 4-4285; 4-4173		Effective Date: October 1, 2011 Revision/Review History: 8/1/05
		Summary of Revision/Review: Revises Policy #3.013 dated 8/1/2005 to provide additional clarity regarding searches.
Cross Reference of Policy: P&P #1.014, <i>Investigations</i> ; P&P #3.006, <i>Property Control</i> ; P&P #3.007, <i>Facility Access</i> ; P&P #3.009, <i>Custody and Chain of Evidence</i> ; P&P #3.010, <i>Tool Control</i> ; P&P #3.305, <i>Temporary Restriction Order</i> ; P&P #5.400, <i>Inmate Visiting</i> ; P&P #5.401, <i>Inmate Mail</i> ; P&P #5.600, <i>Inmate Religious Activities</i>		Supersedes Existing Policy : P&P #3.013, dated 8/1/05
Approved:		
R.O. Lampert		8-1-11
Robert O. Lampert, Director		Date

APPROVED FOR INMATE DISTRIBUTION

The policy and procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REFERENCE

1. ATTACHMENTS

- A. **WDOC Form #102:** *Staff Report*
- B. **WDOC Form #306:** *Search of Inmate's Legal Material*
- C. **WDOC Form #307:** *Notice of Confiscation*

2. OTHER – None Noted



I. PURPOSE

- A. **Searches Necessary to Secure Safety and Security.** The purpose of this policy is to establish uniform policy and procedures governing searches necessary to ensure the safety and security of Wyoming Department of Corrections (WDOC) correctional facilities and to control contraband and provide for its disposition. (ACA 4-4192)

II. POLICY

- A. **General Policy.** In order to maintain proper control over persons under its supervision and to ensure the safety and security of its facilities, within the inherent limitations of resources and the need for facility security, safety, health and order, it is the policy of the WDOC that any person employed by or volunteering with the WDOC or its contracted medical or other service providers, or any person visiting or living in a WDOC operated correctional facility may be subject to search at any time in accordance with the procedures outlined in this Policy and Procedure.
- B. **Access to Policy.** It is the policy of the WDOC that this Policy and Procedure is made available to staff and inmates. (ACA 4-4192)
- C. **Institution Search Plans and Procedures.** It is the policy of the WDOC that each institution develop and maintain search plans/guidelines for staff access only that meet the requirements of this Policy and Procedure and include the following: (ACA 4-4192)
1. Unannounced and irregularly timed searches of cells, inmates, inmates' work areas, and other areas with inmate access;
 2. Inspection of all vehicular traffic and supplies coming into the institution;
 3. Use of metal detectors and/or other nonintrusive sensors at appropriate locations in the facility;
 4. Complete search and inspection of each cell prior to occupancy by a new inmate;
 5. Avoidance of unnecessary force, embarrassment, or indignity to the inmate during the search process;
 6. Staff training in effective search techniques that protect both the inmates and staff from bodily harm;



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7. Use of non-intrusive sensors and other techniques instead of body searches, whenever feasible;
8. Conduct of searches only as necessary to control contraband or to recover missing or stolen property; and
9. Respect of inmates' rights to authorized personal property.

III. DEFINITIONS

A. Cell Inspections: A visual inspection of each cell, room or dormitory area and contents to include a check for cleanliness, habitability, contraband, damage to walls, windows, bars and fixtures, and a physical check of the functionality of cell fixtures.

B. Chief Executive Officer (CEO): A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.

C. Contraband: Contraband includes:

1. Any item or article which an inmate is prohibited by statute, rule or order from obtaining or possessing.
2. Any item or article which is not authorized by regulations of the Wyoming Department of Corrections, or a subunit thereof.
3. Any item or article which is in excess of the maximum quantity permitted by written regulations of the Wyoming Department of Corrections, or a subunit thereto, including approved property items in excess of the amounts established by WDOC Policy and Procedure #3.006, *Property Control*.
4. Any item or article which is received or obtained from an unauthorized source.
5. Any item or article which was once authorized but is no longer authorized or which poses a threat to security and good order.
6. Any item or article which is altered without authorization, put to an unauthorized use, or taken into an unauthorized area.
7. Evidence of a crime or other violation.



- D. Department of Corrections Employee:** Any person employed full-time, part-time, or under temporary appointment by the Wyoming Department of Corrections; any person under contractual arrangement to provide services to the Wyoming Department of Corrections; any person employed by private or public sector agencies who is serving under department-sanctioned special assignment to provide services or support to Wyoming Department of Corrections programs.
- E. Dry-Cell Status:** A visual inspection process which, after reasonable suspicion has been established, allows for the placement of an inmate in a cell without running water or after plumbing fixtures have been temporarily disabled, for the safe recovery of foreign substances, instruments, and other contraband that the inmate may have ingested, swallowed or otherwise concealed within his/her body, through a process of observation and search of the inmate's bodily wastes.
- F. Emergency Situation:** (*For this policy only.*) The occurrence of an unforeseen circumstance requiring immediate or remedial action; any significant disruption of normal facility operations, including riot, escape, fire, natural disaster, violent assault or other serious incident which threatens human health or safety.
- G. Inmate:** Any person under the supervision of the Wyoming Department of Corrections who is not on parole or probation status. An inmate is a person who is incarcerated in any Wyoming Department of Corrections' correctional facility, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody or supervision of the Wyoming Department of Corrections.
- H. Inspection Device:** Any device (e.g., metal detector, fluoroscope, etc.) which is used to detect contraband in the form of metal or other foreign objects.
- I. Non-Intrusive Sensors:** Electronic or mechanical devices which do not physically intrude or permeate human body orifices, manufactured for the purpose of detecting materials of various types which may be considered contraband, i.e., narcotics, narcotic paraphernalia, weapons. (Examples: metal detectors; fluoroscopes; ion scanners; and ZETA-SCAN, thermal imaging or heartbeat detection equipment used to detect the presence of persons)
- J. Notice of Confiscation Form:** An inventory of confiscated article(s) or item(s) that have been seized from an inmate and the reason(s) for the seizure. The Notice of Confiscation shall serve as an inmate's receipt for the confiscated item(s) and a copy shall be placed in the inmate property file.



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K. Officer-in-Charge (OIC): That person designated by the Director, warden/superintendent, or designee, per Wyoming Department of Corrections policy and procedure, who will be available in case of emergencies or extraordinary circumstances outside normal business hours.

L. Probable Cause: An apparent state of facts found to exist upon reasonable inquiry (i.e., such inquiry as the given case renders convenient and proper), which would induce a reasonably intelligent and prudent person to believe, in a criminal case, that the accused person has committed the crime charges, or, in a civil case, that a cause of action existed.

M. Reasonable Suspicion: An apparent state of objective facts and rational inferences drawn there from that would cause a reasonable and experienced correctional staff person to conclude that an individual is in the possession of unauthorized property or contraband.

N. Search: A close inspection, including the physical touching in an impartial manner, of a person, a person's cell or other living unit, vehicle, possessions, or other property, or buildings or premises, to check for contraband. Types of searches include the following:

- 1. Area Search:** A general search of a particular area of the WDOC correctional facility, including, but not limited to, housing areas, work areas, parking lots, delivery areas, reception areas, yards, fields, perimeter fence areas and outbuildings, used for contraband control and detection. Such searches may be conducted on a random basis by designated staff, by a search team as assigned by the WDOC correctional facility CEO or designee, or may be based upon the reasonable suspicion of the presence of contraband. Such searches may result in the temporary suspension of normal activities and/or the restriction of inmate movement within the WDOC correctional facility.
- 2. Canine (K-9) Team Search:** A search using a dog that is highly trained and used in the detection of contraband, including narcotics.
- 3. Consent Search:** Inspections of a person or their property conducted with prior permission of the person being searched, or of a person who owns or has in his/her possession that property which is searched.
- 4. Scan Search:** The visual scanning or reading of documents to determine the nature and content of the writing. Scan searches of



an inmate's legal material will be conducted only in accordance with WDOC Policy and Procedure #5.401, *Inmate Mail*.

5. **Vehicle Search:** The visual and physical search of a vehicle conducted to detect contraband. All vehicles entering or leaving Wyoming Department of Corrections property are subject to search, including a canine team search.
6. **Frisk Search of Person(s):** A search procedure wherein the person being searched removes any outer protective clothing, such as safety vests, coats or jackets, and empties all pockets, in preparation for a physical search, which includes running the hands over the clothed person, through the hair, inspecting pockets and cuffs, and the checking of other items in his/her possession by security inspection or hand search.
7. **Skin Search of Person(s):** A search procedure wherein the person being searched removes all of his/her clothing to permit a visual inspection of the entire body, including genitals, breasts, buttocks, underarms, legs, arms, hands, fingers, feet, toes and the bottoms of the feet, for the purpose of detecting contraband. Skin searches shall also include the external viewing of body cavities (e.g., mouth, under the tongue, nose, ears and anus). Clothing that has been removed shall be carefully inspected while the person stands clear of the clothing, before return and redressing. Any items in the person's possession shall also be visually inspected or searched prior to return to the person being searched.
8. **Internal Body Cavity Search of Inmate(s):** Digital intrusion or instrument inspection of body cavities or orifices and interiors of rectum and/or vagina in search for contraband. Also used to describe more than sight inspection of nostrils, ears, and mouth. Internal searches are to be limited to search of inmate(s) by licensed medical staff only.

O. Security Inspection of Persons and Things: A distinction is made between a search and security inspection. The later is accomplished by means of an inspection device (i.e., metal detector), without the element of a personal contact search, although accompanying property will be subject to a visual and/or hand examination.

P. Seizure: To take control of or possession of after search.



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- Q. Shift Commander:** The ranking correctional supervisor responsible for the overall supervision of a scheduled correctional shift at a WDOC correctional facility.
- R. Staff Member:** Wyoming Department of Corrections' employees (temporary and permanent), contractors, volunteers, on-site vendors, and persons from other agencies, organizations and businesses whose work is performed primarily on or within WDOC facilities.
- S. Visitor:** Any person, not an employee, who is within the boundaries of Wyoming Department of Corrections' facility property.
- T. Volunteer:** Approved persons who donate their time and effort to enhance the activities and programs of the agency.
- U. WDOC Correctional Facility:** (*For this policy only.*) Any adult correctional facility operated by the Wyoming Department of Corrections.

IV. PROCEDURE

A. General Guidelines

1. All inmates, Department of Corrections' employees, staff members, volunteers and visitors confined, working or visiting a WDOC correctional facility will be subject to search of their persons, cells or other living units, work areas, vehicles, possessions, and other property in accordance with the procedures provided in this Policy and Procedure.
2. In addition, all such persons will be subject to security inspection by means of a security device such as a metal detector, if such exists.
3. Accompanying property brought into, or taken out of a WDOC correctional facility by a visitor, volunteer or a Department of Corrections' employee may also be subject to visual and/or hand examination by staff members assigned to such duty by the correctional facility Chief Executive Officer (CEO), or designee, or the Wyoming Department of Corrections Director, Investigations Major or designee.
4. Drug detection dogs may be used to conduct canine (K-9) team searches to assist authorized Wyoming Department of Corrections' personnel to detect and control contraband within WDOC correctional facilities and property.
5. Inspection devices, non-intrusive sensors and other techniques may be used instead of body searches, whenever feasible. (ACA 4-4192)



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B. Searches of Vehicular Traffic

1. Vehicles brought onto WDOC property are subject to search in accordance with WDOC Policy and Procedure #3.007, *Facility Access*.
2. Careful inspection of all vehicular traffic and supplies coming into or leaving the fenced confines of the correctional facility will be conducted in accordance with WDOC Policy and Procedure #3.007, *Facility Access*, and may include the use of non-intrusive sensors.
3. Use of metal detectors, other non-intrusive devices and/or canine search teams at compound gates and entrances to the facility and/or housing units may be used to facilitate searches of all vehicles, persons, packages, brief cases, etc. Inspection of vehicles in parking areas on facility property for adherence to policies is also authorized.
4. Staff and outside law enforcement shall adhere to operational memorandums in securing weapons and ammunition. (ACA 4-4173)
5. All vehicles must be kept free of contraband and must be locked while unoccupied and on WDOC property in accordance with WDOC Policy and Procedure #3.007, *Facility Access*. Violations may be reported to law enforcement or may result in the owner and his/her vehicle being asked to leave the premises.

C. Searches of Religious Activity Areas/Religious Items

1. Searches of religious activity areas and religious items shall be conducted in a manner that reflects an awareness of and sensitivity to individual religious beliefs, practices and respect for the objects/symbols used in the religious practice.
2. Whenever appropriate to do so, the inmate will be asked to open closed religious items, such as medicine bags, for visual inspection by the Department of Corrections employee who is conducting the search.
3. Specific requirements regarding inmate religious items may be found in the Handbook of Religious Beliefs and Practices and WDOC Policy and Procedure #5.600, *Inmate Religious Activities*.

D. Searches of Staff and Inmate Mail and Packages. All incoming and outgoing staff and inmate mail and package, including inmate legal correspondence, may be subject to opening and inspection and/or search in



accordance with related WDOC regulations, including WDOC Policy and Procedure #5.401, *Inmate Mail*.

E. Inmates, Areas They Inhabit or Frequent, and Their Property

- 1. General Guidelines.** Search of inmates, their cells, living units, work areas, other places they inhabit or frequent, and their property will be conducted regularly on an unannounced and irregularly timed basis.
 - i. A search log shall be established and maintained to document the cells and areas searched and to establish a record of each search.
 - ii. Consent may be obtained from the inmate if doing so would not otherwise jeopardize safety or security, but the inmate's consent shall not be required.
 - iii. The inmate's presence will not be required.
 - iv. The inmate's presence will not generally be authorized during cell and area searches in order to maintain the integrity of the search process.
- 2. Cell inspections.** A complete search and inspection of each cell, room or dormitory area shall occur prior to occupancy by a new inmate to include a check for cleanliness, habitability, contraband and damage to walls, windows, bars and fixtures.
- 3. Visual Inspections for Security Reasons.** Visual inspections for security reasons of the inmate, his/her possessions and living area may be conducted by authorized personnel at any time.
- 4. Condition of Area and Property Following Searches.** Searches will be conducted in a manner that is respectful of inmate's rights to authorized personal property. In conducting searches of an inmate's living unit, place of work, and/or other places frequented or inhabited by inmates, the employee(s) conducting the search will be expected to leave the search area in an orderly and neat condition.
 - i. Care will be exercised to ensure that authorized property is not damaged or disposed of, but that all contraband is seized.
 - ii. An inmate's property and property storage boxes may be searched for physical contraband during any authorized search of his/her living area, without the inmate's consent and outside his/her physical presence.



5. **Inmate Legal Material.** An inmate's legal material shall be subject to security inspection or search for physical contraband during any routine search or when staff reasonable suspects the presence of contraband.
- i. Such security inspection or search shall be for items of physical contraband only, shall not include the scan searching or reading of legal materials or content, and may be conducted outside the presence of the inmate.
 - ii. Searches of law library areas, legal material storage spaces and inmate legal materials shall be conducted in a manner that reflects an awareness of and sensitivity to individual rights, and respect for the object/materials searched.
 - iii. Care will be exercised to ensure that authorized property is not damaged, lost, disposed of or unduly disturbed during the search.
 - iv. An inmate's legal material will not be scanned for content or read by staff unless authorized by the WDOC correctional facility CEO based on documentation showing that there is reasonable suspicion that the legal material contains written content or the content is not in fact privileged material or is otherwise in violation of criteria listed in WDOC Policy and Procedure #5.401, *Inmate Mail*.
 - a. An inmate's legal material may be visually scanned or searched for written contraband only with the inmate's consent and in his/her presence; or,
 - b. If without the inmate's consent or outside his/her presence,
 - (1) only when authorized in writing by the library coordinator or CEO of the correctional facility in which he or she is housed or in which his/her legal material is stored using WDOC Form #306, *Search of Inmate's Legal Material for Written Contraband*, and
 - (2) only when documented reasonable suspicion exists to support such a search.
 - v. Inmates will be provided a written receipt for any items of physical contraband or written contraband seized from the inmate's legal material using WDOC Form #307, *Notice of Confiscation*, to identify items of contraband seized from an inmate's legal materials.



- a. Photocopies of confiscated items may be used to facilitate the inmate disciplinary process.
 - b. Items deemed not to be contraband through the inmate disciplinary process will be returned to the inmate.
- 6. **Health Care Devices.** An inmate's health-care devices shall also be subject to search.
 - i. Complex health-care devices shall be disassembled for inspection only when there is a reasonable cause to believe the inmate has concealed contraband inside the device.
 - ii. Such inspections shall normally be conducted by authorized personnel only.
 - iii. Following disassembly, provisions shall be made for the health-care device to be reassembled, if possible, or a new device will be provided for the inmate.
- 7. **Frequency of Searches.** Inmates may be subject to search at anytime; but no more frequently than is necessary to control contraband or to recover stolen or missing property, except as follows.
- 8. **Requirement for More Frequent Searches.** Notwithstanding Paragraph IV.E.7 above, all inmates may routinely be subject to a frisk search or a skin search, under the following circumstances. Such searches shall be conducted in accordance with the operational practices of the WDOC correctional facility and/or at the discretion of the Department of Corrections employee conducting the search.
 - i. **Upon Leaving or Entering the Fenced Area of the WDOC Correctional Facility.** Inmates shall be subject to a security inspection device, frisk search or skin search on each occasion before and after they leave a WDOC correctional facility, including upon going to or returning from work assignments outside the fenced area of the WDOC correctional facility.
 - a. A search of each inmate returning from outside the confines of a secure WDOC correctional facility that houses other than minimum-custody inmates shall be required, regardless of the inmate's destination, custody or assignment, if the inmate has been outside the fenced area of the compound.



10. **Persons Authorized to Search Inmates.** Inmates may be searched only by authorized Department of Corrections employees or a sworn police officer in the performance of his/her official duties.
11. **Staff Training on Searches.** Staff who may be assigned to conduct searches will be trained in effective search techniques that protect both inmates and staff from bodily harm.
12. **Frisk Searches.** Frisk searches may be performed by Department of Corrections employees who are of the same or different gender, as outlined below.
 - i. In all cases, frisk searches shall be performed in a professional manner and in accordance with training on the proper conducting of a thorough frisk search.
 - ii. Cross-gender frisk searches of male inmates by female Department of Corrections employees who have been trained in proper cross-gender frisk search procedures shall not be routinely limited by WDOC correctional facility operational guidelines.
 - iii. Although frisk searches of female inmates may be limited to same gender searches by WDOC correctional facility operational guidelines:
 - a. It is the Department's policy that a frisk search of a female inmate may be conducted by a male Department of Corrections employee who has been trained in proper cross-gender frisk search procedures in those cases where:
 - (1) a female Department of Corrections employee is not assigned to the same position, shift and duties as the person authorized to conduct such searches; and,
 - (2) a trained female Department of Corrections employee is not otherwise immediately available to conduct the frisk search; and,
 - (3) delay of the search is not reasonable; and,
 - (4) the frisk search is conducted under the full view of a security camera or video camera.
 - b. Cross-gender frisk searches of female inmates shall be authorized during emergencies and during other situations



where there is an immediate security concern and time and resources do not permit the frisk search to be delayed for the arrival of a person of the same gender to conduct the frisk search.

- c. When WDOC correctional facility operational guidelines limit cross-gender frisk searching of female inmates, cross-gender frisk searches conducted under the auspices of Paragraphs IV.E.11.iii.a and IV.E.11.iii.b, above, shall be documented on a Staff Report, WDOC Form #102, *Staff Report*, by the person conducting the frisk search(es), along with the circumstances requiring the cross-gender search.

13. Skin Searches. Except in emergencies, and during other situations where an immediate security concern and time and resources do not permit, inmates undergoing skin searches will be removed to a private area for the search.

i. **Skin Searches to be Conducted in a Respectful Manner.** Skin searches shall be conducted in a respectful and professional manner and in accordance with training on the conduct of skin searches.

ii. **Same Gender Required to Conduct Skin Search.** Skin searches will only be conducted by a Department of Corrections employee of the same gender as the inmate undergoing the skin search.

iii. **When Person of Another Gender May Observe Skin Search.** Every skin search shall be conducted in the presence of at least two (2) Department of Corrections employees, including the person conducting the search. Skin searches shall be conducted outside the presence and direct observation of staff members who are not of the same gender, except as provided below:

- a. A staff member of the opposite gender from that of the inmate being searched, may, in an emergency situation as defined in this policy, be asked to observe the skin search, including operation of any video recording equipment camera.
- b. In the event that circumstances, staffing and resources do not allow all observers to be of the same gender, but safety and security or other valid penological concerns require the skin search be conducted immediately and without delay, Department of Corrections employee(s) of a different



gender may be used to observe, including operation of any video recording equipment or camera, but not conduct, the skin search.

- c. In any case where a staff member(s) of a different gender than the inmate being skin searched is allowed to view the search, the time, date, location, authorizing official and circumstances for allowing such a search to take place shall be fully documented on a Staff Report to include, by name and gender, the persons conducting and observing the skin search, what their functions were, and why these functions were important enough to either the search itself or to other prison functions to allow the search to proceed without the delay that would have been required to ensure all observers were of the same gender as the inmate being skin searched.

14. Visual Inspection of Inmate Body Cavities. Visual inspections of inmate body cavities shall be conducted by medical personnel or trained correctional officers of the same sex, in private, and based on reasonable belief that the inmate is carrying contraband or other prohibited material. (ACA 4-4194)

- i. Reasonable belief is not required for the visual inspection of body cavities as part of a skin search by correctional officers of inmates returning from contact with the general public or from outside the institution.

15. Internal Body Cavity Search. Manual or instrument inspection of body cavities shall only be conducted by off-site medical personnel, only upon authorization of the WDOC correctional facility CEO or officer-in-charge of the WDOC correctional facility, in private, and only when there is reasonable suspicion, as defined in this policy, to justify the search. (ACA 4-4193)

- i. **Written Consent Not Required.** The inmate's written consent for an internal examination will not be required; however, an internal search will not be conducted if it could result in injury to the inmate.
- ii. **Medical Equipment Screening.** Screening by appropriate medical equipment, such as x-ray or CAT scan, may be used to verify the presence of contraband when it is appropriate and timely to do so.



- iii. **Transport for Examination May Be Authorized.** Internal body cavity examinations may require transport to a local medical care provider or hospital when circumstances do not allow the examination to take place at the correctional facility by licensed medical providers contracted to provide medical services to the inmate population.
- iv. **Placement into Dry-Cell Status.** Inmate(s) may be placed into segregated, dry-cell status, when an internal search cannot be completed and there is reasonable suspicion, as defined in this policy, to justify an internal search.
 - a. **Non-Punitive.** Placement on dry-cell status is non-punitive and does not require a due process hearing.
 - b. **Reasonable Suspicion Requirement.** When a reasonable suspicion exists that a particular inmate has internally concealed foreign substances, instruments, or other contraband, they may be housed within a segregated area of disciplinary segregation on dry-cell status to facilitate a visual inspection process for the contraband items upon written documentation of that reasonable suspicion.
 - c. **Verbal Approval of WDOC Correctional Facility CEO/Designee.** Verbal approval for the placement must be obtained from the WDOC correctional facility CEO or designee prior to the inmate's placement on dry-cell status.
 - d. **TRO Process and Documentation.** When circumstances compel the placement of an inmate into dry-cell status, the Temporary Restriction Order (TRO) process outlined in WDOC Policy and Procedure #3.305, *Temporary Restriction Order*, shall be followed.
 - e. **Staff Report Requirement.** A Staff Report, documenting the reason for recommending dry-cell placement shall be completed and attached to the TRO form and forwarded to the WDOC correctional facility CEO within twenty-four (24) hours of verbal approval to place the inmate on dry-cell status.
 - f. **Water Service Restriction.** Water service to the cell will be restricted for the period of dry-cell status to prevent the passing and/or washing away of suspected contraband items prior to inspection of bodily wastes.



- g. **Property and Clothing Restriction.** Property and clothing may be restricted for the period of dry-cell status.
- h. **Medical Staff Notification and Medical Review.** Medical staff shall be immediately notified of the inmate's placement onto dry-cell status.
 - (1) When the inmate admits to ingesting balloon(s) containing narcotics, medical staff will be notified immediately and will determine whether or not to have the inmate transferred to the infirmary or to an off-site medical facility for medical observation or treatment.
 - (2) Medical staff shall monitor the physical health of an inmate who is on dry-cell status during each scheduled tour of the segregation area.
 - (3) Medical staff shall document each medical check of the inmate during his/her stay in dry-cell status in the inmate's medical record.
- i. **Seventy-Two (72) Hour Limitation.** Inmates placed on dry-cell status will remain isolated from other inmates for a period not to exceed seventy-two (72) hours, unless authorized by the correctional facility CEO.
- j. **Completion of Documentation.** All appropriate staff shall complete incident and/or other required reports as soon as possible following completion of each dry-cell watch.

F. Searches Related to Crimes Involving Inmates

- 1. When a crime involving an inmate has alleged to have occurred, the crime scene shall be immediately preserved in accordance with WDOC Policy and Procedure #3.009, *Custody and Chain of Evidence*. Searches directed at solving a possible new crime should include provisions for the preservation of evidence as well as the legal protection of individual rights afforded under the Fourth Amendment. (ACA 4-4282)
 - i. The crime scene shall be isolated, contained and secured.
 - ii. Movement into the area shall be restricted until the arrival of law enforcement or until an investigator from the Investigations Unit of WDOC takes control of the crime scene.



iii. Any crime scene evidence which cannot be left at the crime scene for safety or security reasons shall be immediately preserved in accordance with WDOC Policy and Procedure #3.009, *Custody and Chain of Evidence*, and shall be handled using universal precautions to prevent contamination by possible blood borne pathogens and processes in accordance with WDOC Policy and Procedure #3.009, *Custody and Chain of Evidence*.

a. Any contraband that is wet, contains body fluids, or may require retrieval of a fingerprint shall be carefully handled, using universal precautions, and shall be placed in a paper evidence bag to preserve the evidence.

b. Narcotics should be sealed in a plastic bag.

c. Contraband that can stick, cut or puncture the skin (e.g., razor blades, syringes, needles, etc.) should be placed in an individual sharps container.

iv. Crime scene evidence that has not been immediately collected and stored shall be collected and stored either by responding law enforcement or by a WDOC investigator in accordance with WDOC Policy and Procedure #1.014, *Investigations*.

2. Searches of the crime scene area shall be on the authority of responding law enforcement, WDOC Investigations Unit investigator(s), and/or by the warden only, unless immediate action is necessary; in such cases the warden shall be fully informed as soon as possible after the search. (ACA 4-4282)

3. Responding staff may conduct searches of individual inmates, living units and work locations, incident to an alleged crime in accordance with the directives of the WDOC correctional facility CEO, Officer-in-Charge, or Shift Commander.

4. Only the WDOC correctional facility CEO or higher authority may authorize the release of a designated crime scene, upon advisement from responding law enforcement or WDOC Investigations Unit investigator.

G. Searches of Employees/Volunteers and Their Work Areas

1. **Security Inspections.** All such persons and their property will be subject to security inspection by means of a security device, such as a walk-thru or hand-held metal detector or a fluoroscope, if such exists, and/or to visual



and/or hand examination upon entering or leaving the correctional facility or at any time they are on WDOC property.

2. **When to Search.** Except as provided in Paragraph IV.A of this Policy and Procedure, a Department of Corrections employee or staff member may be requested to submit to personal search of his/her person or vehicle or other possessions on WDOC property only when there is reasonable suspicion that the employee or volunteer is in possession of unauthorized property or contraband and that the search and seizure is necessary to substantiate the suspected violation.

3. **Who is Involved in the Search**

- i. Upon reasonable suspicion, a WDOC correctional facility CEO or his/her designee may request the officer-in-charge, shift commander, or ranking Department of Corrections employee on duty to conduct the search of a Department of Corrections employee/staff member, his/her vehicle, his/her work area, his/her on-premise locker, desk or other storage area, or other possessions.
 - a. Any search of the employee/staff member's person shall be conducted by the ranking Department of Corrections employee on duty who is of the same gender as the person being searched, with the presence of another person of the same gender as an observer.
 - b. Employee searches shall normally be conducted using the least intrusive means available to fully satisfy the need for the search. Skin searches of employee/staff members must be authorized in advance by the facility CEO, Prison Division Administrator, Deputy Director, or Director.
 - c. The employee/staff member shall be present during the search of his/her vehicle or other possessions in his/her immediate control unless his/her presence would jeopardize the safety of staff or other persons.
 - d. The employee/staff member need not be present during the search of his/her work area or on-premise locker, desk or other storage area, if such search is conducted when the employee/staff member is not readily available and the search cannot be delayed due to safety or security concerns, or the search is conducted as part of a general area search of an area that inmates inhabit or frequent.



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- e. Searches by members of WDOC's Investigations Unit shall be conducted in accordance with WDOC Policy and Procedure #1.014, *Investigations*.

- 4. **Privacy During the Search.** Department of Corrections employees/staff members will be afforded privacy during the search, which will be conducted in a professional manner so as to avoid any undue embarrassment or indignity to the individual, and will be observed by a person of the same gender as the person being searched.
 - 5. **Refusal to Submit to Search.** Refusal of a Department of Corrections employee/staff member to submit to a reasonable suspicion search may constitute grounds for disciplinary action or removal of their authorization to enter the WDOC correctional facility, or both.
- H. **Searches of Visitors, Their Vehicles and Possessions.** All official visitors or other visitors authorized under WDOC Policy and Procedure #5.400, *Inmate Visiting*, shall be subject to security inspection or search under the following guidelines. Upon request from the facility CEO, routine unannounced canine team searches will be conducted on visitors' vehicles.
- 1. **Security Inspections.** All such persons and their property will be subject to security inspection by means of a security device, such as a walk-thru or hand-held metal detector or fluoroscope, if such exists, and/or to visual and/or hand examination upon entering or leaving the correctional facility or at any time they are on WDOC property.
 - 2. **When to Search.** A search of a visitor's person will generally occur only when the visitor consents, unless there is a reasonable suspicion that the visitor is in possession of contraband and that the search and seizure is vitally necessary to substantiate the suspected violation.
 - i. The least intrusive manner of search will be used as appropriate to the circumstances.
 - ii. Consent is not required when a delay or non-consent would constitute a direct and immediate threat to the safety and security of the facility.
 - iii. Consent is not required when the search is conducted pursuant to an arrest or to protect the safety of staff or other persons.
 - iv. A skin search may be conducted without the consent of the visitor, when such search has been approved by the Director, Deputy



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Director, Prison Division Administrator, Investigations Major, or by the WDOC correctional facility CEO or designee.

- a. Any such search must be based upon a reasonable suspicion that the visitor is carrying/concealing contraband and that suspicion must be based on more than an uncorroborated anonymous tip.
 - b. Any skin search shall be conducted only in the manner described in this Policy and Procedure and shall be conducted and observed only by Department of Corrections employees of the same gender, with at least two employees of the same gender being present at all times.
3. **If a Crime is Suspected.** If an alleged commission of a criminal offense is involved, the search will fall within the jurisdiction of appropriate law enforcement agencies, which will be promptly notified.
4. **Conducting of the Search.** Searches of visitors at a WDOC correctional facility will be conducted at the direction of the Director, Deputy Director, Prison Division Administrator, Investigations Major, or by the WDOC correctional facility CEO or designee, based upon reasonable suspicion that the visitor is in possession of unauthorized property or contraband.
 - i. Visitor searches may be conducted by authorized Department of Corrections employees of the same gender or by an authorized law enforcement officer.
 - ii. If requested, authorized Department of Corrections employees of the same gender may assist law enforcement officers in conducting any search, investigation, and/or arrest of a visitor.
 - iii. Adequate facilities must be provided for the search, which shall be done in a professional manner, so as not to cause undue embarrassment to the visitor.
 - iv. The subject of the search will be advised of standard search procedures (i.e., frisk search procedures, or skin search procedures including removal of clothing, visual inspection of cavities, etc.) prior to the search.
 - a. If an internal examination is indicated, this shall be done only by competent medical personnel at the direction of the law enforcement official conducting the search.



5. Refusal to Submit to Search or Discovery of Contraband Upon Search or Security Inspection

- i. Those individuals who refuse to be searched or who, after receiving a security inspection or being searched, were found to be in possession of unauthorized property or contraband, shall have their visiting status immediately suspended pending review by the WDOC correctional facility CEO.
- ii. Those individuals who refuse to permit their vehicle or personal possessions to be searched for contraband when reasonable suspicion exists for such search, or whose vehicle or personal possessions were found to contain unauthorized property or contraband, shall have their visiting status immediately suspended pending review by the WDOC correctional facility CEO.

6. Following Security Inspection or Search. Individuals who, after receiving a security inspection or being searched, were found not to be in possession of unauthorized property or contraband, shall not have their visiting privileges suspended solely as a result of the reasonable suspicion that led to the search.

I. Contraband Detection. Detection of contraband may be accomplished by any method defined in this Policy and Procedure.

J. Contraband Storage

1. Any item confiscated during a search shall be logged in a contraband/evidence log.
2. Each facility shall provide a secure area for the storage, preservation and control of contraband until the contraband is lawfully and properly disposed of.
 - i. Any contraband that is wet, contains body fluids, or may require retrieval of a fingerprint shall be carefully handled, using universal precautions, and shall be placed in a paper evidence bag to preserve the evidence.
 - ii. Narcotics should be sealed in a plastic bag.
 - iii. Contraband that can stick, cut or puncture the skin (e.g., razor blades, syringes, needles, etc.) should be placed in an individual sharps container.



3. Whenever contraband has been found or confiscated from an inmate a WDOC Form #307, *Notice of Confiscation*, shall be completed.
 - i. Nuisance contraband may not require a Notice of Confiscation Form at the discretion of the WDOC correctional facility CEO.
- K. **Disposition of Contraband.** Upon determination that an item is contraband the item will be confiscated and disposed of as follows:
 1. In the event the contraband is to be kept for possible criminal charges the item will be processed pursuant to WDOC Policy and Procedure #3.009, *Custody and Chain of Evidence*.
 2. Nuisance contraband may be disposed of at the discretion of staff in accordance with facility operational procedures.
 3. Facility issued items may be returned to their respective area (e.g., laundry) for determination of restitution value and disposition.
 4. Medical providers will be notified of any medical appliances which may belong to WDOC rather than the offender.
 5. The WDOC Form #307, *Notice of Confiscation*, shall serve as written notice that the inmate has seven (7) days from that date to provide the property office with desired disposition:
 - i. If an inmate can prove ownership and the item does not in and of itself present a security or safety threat he/she may be allowed to mail the item to an address outside of WDOC at his/her own expense.
 - ii. In compliance with WDOC Policy and Procedure #3.006, *Property Control*, property items may be stored for ninety (90) days.
 - iii. It is the responsibility of the inmate to send the property officer a completed property disposition sheet authorizing the property to be donated, destroyed or mailed out, within the time frames indicated.
 6. Items designated to be destroyed must be done so outside of an area where inmates cannot retrieve the item.
 - i. The item(s) of contraband must be logged on the contraband log as to items, date, time, manner, and place of disposal.



- ii. The destruction of contraband must be witnessed by two (2) staff members and both must sign the contraband log.
- 7. Contraband items that cannot be identified as a specific inmate's and/or abandoned property will be stored by the institution for one (1) year claim period in accordance with WDOC Policy and Procedure #3.006, *Property Control*.

V. TRAINING POINTS

- A. What may be considered contraband?
- B. When can a search be conducted? When are searches required to be conducted?
- C. What is a security inspection and when is one to be conducted?
- D. Is inmate consent necessary prior to a search? Must an inmate be present during a search?
- E. When can an inmate's legal material be searched?
- F. Are cross-gender frisk searches allowed? Are cross-gender skin searches allowed?
- G. Who may conduct an internal body cavity search and when can one be conducted?
- H. What process shall be followed when placing an inmate on dry-cell status?
- I. How is a crime scene to be treated?
- J. When can employees or volunteers be searched? How are such searches to be conducted?
- K. When can a visitor be searched? How are such searches to be conducted?
- L. When is a Notice of Confiscation Form to be completed?
- M. How is contraband to be stored? How is contraband to be disposed of?